

Serial No. 10/729,202
Atty. Doc. No. 2001P07021WOUS

REMARKS

Claims 1-15 are pending in this application. Claim 1 stands rejected under 35 U.S.C. § 103 as being unpatentable over Sung (5,177,695) in view of Hawkes (5,973,643) and Owen (US 2003/0176984 A1). Claims 2-12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sung, Hawkes, and Owen, and further in view of Berger (5,920,617). Claims 13-15 are allowed.

The Applicant appreciates the allowance of claims 13-15.

Independent claim 1 has been amended to include the limitations of dependent claim 2. Claims 2, 7 and 8 are cancelled.

The limitation added to claim 1 is that "the priority is automatically defined as a function of the characteristic value of the measuring signal." On page 4 of the Office Communication, the Examiner states that "Berger discloses a method wherein the priority is automatically defined as a function of the characteristic value of the measuring signal." The Applicant respectfully disagrees with this statement and requests the Examiner to reconsider this rejection. In particular, it is noted that Berger contains no teaching regarding priorities of measured variables. Berger measures only a single variable using a constant measurement time interval, with no priority being involved. The invention of Berger is directed to determining a correction value that can be added to the measured value in order to improve the accuracy of the reported value for a rapidly changing variable. The correction value of Berger is a function of a characteristic value of the measured signal, and Berger automatically corrects the measured value as a function of the characteristic value of the measured signal. However, Berger does not automatically define a priority as a function of the characteristic value, since Berger is not even concerned with any priority value. Accordingly, the addition of Berger to Sung, Hawkes and Owen results only in the adjustment of a measured value of a variable, not in an automatic change in a priority value of a measurement.

Conclusion

For the foregoing reasons, it is respectfully requested that this amendment be entered and the application passed to allowance including claims 1, 3-6 and 9-15. The commissioner is

Serial No. 10/729,202**Atty. Doc. No. 2001P07021WOUS**

hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

Dated: 1/23/06

By: 

John P. Musone
Registration No. 44,961
(407) 736-6449

Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, New Jersey 08830